

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MAURICH R. BLANTON

COMPLAINANT

v.

HARDIN COUNTY WATER DISTRICT NO. 2

DEFENDANT

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) CASE NO. 97-128
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O R D E R

On February 27, 1997, Maurich R. Blanton filed a formal complaint against Hardin County Water District No. 2 ("Defendant"). In his complaint, he alleges that the rate charged by the Defendant for installation and connection of a water meter is excessive when compared to the charges assessed by Hardin County Water District No. 1 for the same service.

Commission Regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint establishes a prima facie case. A complaint establishes a prima facie case when, on its face, it sets forth sufficient allegations that if uncontradicted by other evidence would entitle the Complainant to the requested relief. If a complaint fails to establish a prima facie case, the Commission must notify the Complainant and provide a reasonable opportunity to amend the complaint.

Mr. Blanton fails to state a prima facie case. He does not allege that the Defendant is charging a fee which is in excess of its filed rates nor does he allege that

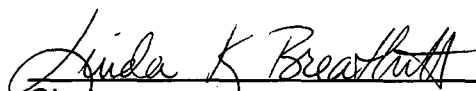
the Defendant is producing revenues in excess of those which the Commission authorized. While the connection fee assessed to the Complainant may appear excessive when compared to those of another local utility, neither the two services nor their respective service providers are readily comparable.

IT IS THEREFORE ORDERED that:

1. Complainant shall have 20 days from the date of this Order to file an amended complaint which sets forth a prima facie case against the Defendant.
2. In the event that an amended complaint is not filed within 20 days of the date of this Order, this case shall be dismissed without further Order.

Done at Frankfort, Kentucky, this 20th day of March, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director